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ABSTRACT

This paper describes Florida's school choice program, instituted in 2000, for students with disabilities. It reports that, during 2000-01, the McKay Scholarship Program for Students with Disabilities provided scholarships to more than 1,000 students who chose to attend private schools rather than remain in their neighborhood public schools. It notes that currently more than 8,000 special education students in Florida attend 464 private schools throughout the state. It finds that private schools have proven their willingness to accept McKay scholarship students and that 89% of McKay students reenrolled in their scholarship schools, demonstrating that most parents are satisfied with their chosen private school. Separate sections of the report address how the McKay Scholarship Program works; scholarship recipients; participating private schools; benefits for students; and effect on public schools. A section on criticisms of the McKay program considers issues of accountability, inclusion, and regulation of private schools. Other sections consider parents' rights and the Individuals with Disabilities Education Act (IDEA), the McKay program and federal special education policy, and the future of special education. The paper concludes that the McKay program should be expanded and that Congress should deregulate IDEA to allow more school choice for children in special education programs. (Contains 57 references.) (DB)

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Lessons from Florida

School Choice Gives Increased Opportunities to Children with Special Needs

by David F. Salisbury

No. 81 **March 20, 2003**

Executive Summary

In 2000, Florida instituted an innovative school choice program for children with disabilities. During the 2000–01 school year, the McKay Scholarship Program for Students with Disabilities provided scholarships to more than 1,000 students who chose to attend private schools rather than remain in their neighborhood public schools. Currently, more than 8,000 special education students in Florida attend 464 private schools throughout the state.

Critics of school choice often argue that school choice benefits only the best and brightest, leaving behind those children who are most difficult to educate. They also argue that vouchers lead to the establishment of "fly-by-night" schools and drain public schools of revenue. Florida disproves those claims.

Private schools have proven their willingness to accept McKay scholarship students, and the fact that 89 percent of McKay students reenrolled in their scholarship schools demonstrates that most parents are satisfied with their chosen private school.

Policymakers in other states should look to Florida's experience to inform their school choice efforts. In addition, Congress should make school choice an integral component of any new legislation reauthorizing the Individuals with Disabilities in Education Act. IDEA encumbers public schools with complex regulations that waste time and resources that could be better spent helping disabled children learn. Eliminating the regulatory burden created by IDEA for states that offer school choice to parents would encourage states to implement innovative reforms.

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More than 8,000 of Florida's 380,000 eligible students now use McKay scholarships to attend private rather than public schools.

Introduction

School choice opponents often argue that choice will benefit only the best and brightest students, leaving behind those who are the most difficult to educate. Sandra Feldman, president of the American Federation of Teachers, has repeatedly warned that private schools will turn away handicapped students or students they perceive to be difficult to educate.[1] Others similarly predict that private schools will siphon off only the best and brightest students while refusing children with personal, behavioral, or educational challenges.[2]

The evidence suggests that those critics were wrong in their predictions. Even as the critics issued their warnings, more than 100,000 children with disabilities were being served by private schools, paid for by either public or private funds.[3] According to the *Directory for Exceptional Children*, there are more than 2,500 private schools and clinics throughout the United States serving special needs children.[4] Many schools specialize in helping difficult-to-educate children and utilize innovative, scientifically based programs that are more effective at helping children with disabilities than are those used in many public schools.[5] Florida's McKay Scholarship Program for Students with Disabilities provides additional evidence that private schools will not only accept difficult-to-educate children but will go out of their way to provide effective programs to help children with physical, behavioral, emotional, or learning disabilities.

How the McKay Scholarship Program Works

Through the McKay Scholarship Program, the state of Florida provides a choice of any private or public school to parents of children who are identified as disabled under a variety of categories, including those who are mentally handicapped, speech and language impaired, deaf or hard of hearing, visually impaired, dual sensory impaired, physically impaired, emotionally handicapped, specific learning disabled, hospitalized or homebound, or autistic.[6] Before the program's enactment, enrollment decisions for these children were made primarily by school officials—not parents. Parents now have a much greater role in deciding which school, public or private, is best for their child. More than 8,000 of Florida's 380,000 eligible students now use McKay scholarships to attend private rather than public schools.

Any student with a disability who has been in a Florida public school for at least one year qualifies for a McKay scholarship. Students must be identified as having a disability and must have an active individualized educational plan (IEP) as mandated under federal education guidelines. By law, parents must enroll their children in a private school first and then apply for the scholarship. Parents may apply for a scholarship at any time during the school year, but must allow at least 60 days for the first scholarship payment to be made.[7] The state mails the scholarship checks to the parent at the student's private school, and the parent then endorses the payment to the private school.

The dollar amount of a McKay scholarship depends on the amount of funds being spent on the student in his or her assigned public school or the amount of tuition at the private school, whichever is less. If the cost of the private school is greater than the amount of the scholarship, the family must pay the difference or receive tuition assistance from the private school.[8] Families must also provide transportation to the private school. To provide educational continuity for the student, the scholarship remains in force until the child returns to a public school or graduates from high school.

Scholarship Recipients

Information compiled by the Florida Department of Education shows that the McKay Scholarship Program serves a diverse mix of students. Fifty percent of recipients this year

were white, 28 percent black, 19 percent Hispanic, and 3 percent were identified as multiracial or "other." Sixty-nine percent of scholarship recipients this year were boys and 31 percent girls. About half of all recipients were in grades five through eight, and about half (53.3%) had been categorized as learning disabled by the public school that they previously attended. The next largest categories of disability were speech- and language-impaired children, who together account for about 16 percent of McKay scholarship recipients.[9] These categories are reflective of the general population of students in special education programs in public schools throughout the state.[10]

Florida categorizes special education students using a level-of-services matrix to determine the size of each child's benefit. Historically, around 85 percent of all Florida special education students were categorized as level one or two on the matrix, meaning that those students require minimal levels of intervention due to their disability.[11] About 83 percent of McKay scholarship recipients are matrix level one or two, again showing that scholarship students are reflective of the general special education student population.[12]

Tuition rates at private schools vary, but in many cases the amount provided through the McKay scholarship is sufficient to cover full tuition at a participating private school. Because of that, even very low-income families are able to benefit from the McKay program.[13] One indication that the MCKay Scholarship Program is helping low-income families is that 50 percent of students using McKay scholarships in 2002-03 fell within federal income guidelines for the free or reduced lunch program in their public schools. This is a higher representation of low-income families than in the state's student population generally, where 44 percent of students qualify for free or reduced lunch.[14]

Participating Private Schools

Private schools in Florida are relatively free to operate without excessive government interference. For example, private schools do not have to be licensed or approved by the state, but they are required to make their existence known to the Department of Education and respond to an annual survey designed to make information about them available to the public. Approximately one half of Florida's private schools are accredited, either by the Florida Council of Independent Schools or by some other accrediting organization.[15] Accreditation, however, is often an expensive and time consuming process, so some schools choose to rely solely on their reputations in the community and record of success as a way to attract patrons.

Currently, 547 of Florida's 1,646 private schools are registered to participate in the McKay program. Of those schools, 215 are non-religious private schools and 332 are religious schools.[16] To be eligible to participate in the McKay program, private schools must be able to demonstrate financial stability by being in operation for one full school year, or by providing a statement from a certified public accountant confirming that the school is insured and has sufficient capital or credit to operate for the upcoming year. Private schools must also notify the Florida Department of Education of their intent to participate in the McKay program by May 1 of each year.

Many participating private schools have special programs for children with disabilities. Catholic schools, for example, offer an array of programs for disabled children.[17] Other private schools find smaller class sizes and increased individual attention sufficient to help McKay scholarship children, particularly those with mild learning disabilities. Most children in special education have mild rather than severe disabilities and do not require high levels of specialized treatment or therapy. Some private schools focus exclusively on children with particular types of disabilities (see Table 1). In many cases, specialized schools provide expertise and a level of intervention beyond what is available in the public schools or in nonspecializing private schools.[18]

Private schools have opened their doors to

Private schools have opened their doors to McKay scholarship students, demonstrating their willingness to help students who, in many cases, were not being well served by their public schools.

Table 1
Private Schools Enrolling McKay Scholarship Students (by type)

Type of School	Number of Schools
Regular	378
Exceptional Child	82
Correspondence	1
Special	3
Total	464

Source: Florida Department of Education, Choice Office. Although 547 Florida private schools have registerd for participation in the McKay program, the table includes only those schools that had enrolled McKay scholarship recipients as of January 7, 2003.

McKay scholarship students, demonstrating their willingness to help students who, in many cases, were not being well served in their assigned public schools. The number of private schools participating in the McKay program has increased each year, from only a few in 2000 to 547 currently.[19] In addition, new private schools have emerged in response to increased demand from parents. According to the Florida Department of Education, more than 353 new private schools have registered with the department since May 2000.[20] This increased demand for private schools comes not only from McKay scholarship students but also from Florida students who qualify for the other school choice programs such as Opportunity Scholarships, which help children who are assigned to failing public schools.[21]

With a McKay scholarship, parents are in control. If the school their child is in fails to meet their expectations, parents can enroll their child in another school.

There has been controversy over a few private schools in the state that accepted McKay scholarships and were later investigated for building code violations or financial mismanagement.[22] But we should not forget that public schools in Florida and elsewhere have also been charged with fraud and fiscal mismanagement. One elementary school in Palm Beach County, recently overpaid 45 staff members about $35,000 by using false time sheets to siphon off money from after-school programs.[23] Recent investigations have revealed a rash of irregularities in public school financial audits around the United States.[24] In Michigan, district officials bilked millions from the East Detroit Public Schools before the misspent funds were discovered.[25] Last year, the Washington, D.C., School District paid benefits to teachers who were no longer employed in the district and overpaid other teachers over $430,000.[26]

The simple fact that a school is run by the government does not make it immune from fiscal mismanagement. In fact, when fiscal mismanagement occurs in public school districts, it typically involves much larger dollar amounts than are involved in isolated cases of private school mismanagement. Without the McKay program, parent are basically without recourse if their assigned public schools suffer from poor management. With a McKay scholarship, however, parents are in control. If the school their child is in fails to meet their expectations, parents can enroll their child in another school. The fact that a mismanaged private school may lose business or be forced to shut down completely should be viewed as an advantage of the McKay program.

Benefits for Students

Parents are in the best position to know if their children are making academic gains and having a positive educational experience. The

fact that 89 percent of McKay students re-enrolled in their scholarship school for the 2002–03 school year is evidence that the program is benefiting those students. Florida newspapers are full of testimonials from parents about the positive turnaround of children who are receiving individualized attention in their new schools.[27] In many cases, those children were not receiving the same degree of help in their public schools, even though their educational plans prescribed it. Almost three-fourths of the families whose children received McKay scholarships chose to pay some additional tuition cost beyond the amount provided by the scholarship.[28] Those parents seemed to feel that the added value of the private school is worth an additional financial sacrifice.

Effect on Public Schools

Cost and Fiscal Impact

During the 2000–01 school year, McKay scholarship amounts ranged from $2,685 to $20,140, with the average scholarship amount being $5,763. The average scholarship last year was $5,550 with some scholarships as large as $20,065. The average scholarship amount for the current year is $6,808. Total expenditures for McKay scholarships during the current year amount to just over $54 million (see Table 2).

The McKay Scholarship Program was designed to be revenue neutral. McKay students take to their new schools only those funds that would be spent on their education in the public school. At the same time, public schools experience a decreased enrollment burden proportionate to the loss of students and funds. Of course, public schools have fixed costs that are not reduced by slight declines in student enrollment. For example, the cost of buildings, maintenance, teachers, and administration is not reduced appreciably by the departure of a few students using McKay scholarships. On the other hand, McKay scholarships come out of state funds, which constitute approximately 51 percent of total education revenues. When a student uses a McKay scholarship to attend a private school, the local funds that were being used to educate that student remain in the public schools. Since local funding constitutes approximately 41 percent of total education funding in the state, this should be a sufficient amount of revenue to cover a school's fixed costs.[29]

In addition to local funds, all federal funds received by the state for special education programs (approximately 9 percent of all special education funding) are retained by the Florida Department of Education. Some of these funds are passed on to local districts

McKay students take to their new schools only those funds that would be spent on their education in the public school.

Table 2
Per Student and Total Expenditures on the McKay Scholarship Program

School Year	Number of Students	Minimum Scholarship Amount	Maximum Scholarship Amount	Median Scholarship Amount	Annual Expenditure for McKay Scholarship Program
2000–01	1,021	$2,685	$20,140	$5,763	$5,833,636
2001–02	5,017	$1,700	$20,065	$5,550	$27,842,338
2002–03	8,080	$135	$21,326	$6,808	$54,464,000

Source: Florida Department of Education, Choice Office. Data current as of December 4, 2002.

to be used for special education programs.[30] Also, in recognition of the higher operating costs in smaller districts or districts experiencing decreasing enrollment, the state's funding formula includes a "declining enrollment supplement" and a "sparsity supplement" that are designed to augment funding for such districts.[31]

Given that not all revenues appropriated are included in the calculation of the McKay scholarship amount, the fiscal impact of the McKay program on public schools is slightly positive. According to the Florida Department of Education, funding elements not included in the McKay scholarship amount provide revenue of roughly $560 per student above the average McKay scholarship.[32] That is the average amount of additional revenue that stays with the district when a student leaves the public school using a McKay scholarship. Those funds can be used to cover necessary fixed costs or to enhance special and regular education programs for the students who remain in public schools.

School choice programs allow the state to transfer some of its enrollment burden to the private sector, relieving pressure on public school classrooms and budgets.

Effect on Class Size

Florida voters recently passed a class size reduction initiative that placed a cap on class sizes in Florida public schools. With construction costs to build new public school classrooms running between $15,000 and $35,000 per seat, the initiative is expected to cost as much as $27 billion in capital expenditures alone.[33] The state legislature will thus be forced to find ways to relieve the enrollment burden on public schools. Florida Senate President Jim King has acknowledged that lawmakers will consider expanding tuition vouchers to help meet class size reduction goals.[34] Every time a student uses a McKay scholarship to attend a private school, class size is reduced in the public school. School choice programs allow the state to transfer some of its enrollment burden to the private sector, relieving pressure on public school classrooms and budgets.

Participation in the McKay Scholarship Program has more than doubled each year and is expected to grow at a similar rate for at least the next few years.[35] As the McKay program expands, the fiscal impact on public schools should continue to be positive. Moving more student enrollment to the private sector will allow local school districts to focus their resources on fewer students, reducing class size, or enhancing educational programs.

Increased Parental Involvement

Greater parental involvement is another benefit of competition between public and private schools. Knowing that parents have other options motivates public school leaders to publicize their schools' achievements and provide quality programs for children so that their parents will want to continue to enroll their children there. Parents of children with disabilities are motivated to become more informed about their public schools as well as about private options that are available.

In Florida, new websites and other information sources have emerged to provide parents with evaluative information about public and private schools. One example is GreatSchools.net, a nonprofit organization that provides in-depth school profiles of both public and private schools on its website. Each state's section has a list of school districts and various "tools" for parents, including links to compare schools, "match school needs" in three steps, and a "my school list." Parents can sign up to receive two newsletters, "Great News" and "My School Stats," a customized school report. Greatschools.net encourages school principals to add information to their schools' profiles. This increased availability of comparative information about schools, both public and private, creates a healthy educational atmosphere for schools and allows parents to become more aware of the options available to them.[36]

Criticisms of the McKay Program

Criticism of Florida's school choice policies has arisen primarily from the state's two

largest teachers' unions, the Florida PTA, and the ACLU.[37] Presumably because McKay scholarships specifically benefit handicapped children, the unions have been less vocal in their opposition to the McKay program. Last year, the unions, along with other groups, filed suit to stop families from using Florida Opportunity Scholarships (another school choice program), but no group has filed suit to prevent parents of children with disabilities from using McKay scholarships.[38]

Florida newspapers have closely scrutinized participating private schools, some of which are new at offering services to special education students. Observers should be less hasty in their criticism, however, given that public schools have a mediocre record of success when it comes to helping students in special education, particularly those students with learning disabilities. A number of national studies show that children with learning disabilities who are placed in public school special education programs make only small annual academic gains.[39] One study reported that 80 percent of poor readers in special education classes made no measurable gain during the school year. For this reason, the bulk of students placed in special education programs remain there perpetually, never catching up to their higher achieving peers. [40] These low achievement gains persist even though proven methods exist for effective remediation in reading.[41] Public school leaders themselves admit that special education students are not coming close to reaching their academic potential.[42] If there is any segment of K-12 education where parents most need additional options, that segment is special education. Parents raising a child with a disability deserve the freedom to choose from all the options available.

What about "Accountability"?

One of the major claims made by critics of the McKay Scholarship Program is that private schools are unaccountable to the public, even through they admit students who receive state-funded scholarships. By "unaccountable," critics mean that the private schools are not required to report results to any government agency. Reporting to a government agency, however, is only one kind of accountability. Another, vastly superior, method is direct accountability to consumers. Because McKay scholarship parents are free to withdraw their children at any time and take their scholarship funds to another school, private schools must meet the expectation of parents or risk losing customers and damaging their reputation in the community. That is a higher standard of accountability than public schools have had to meet in the past. Making public and private schools directly accountable to parents is the most effective way to ensure a high level of quality for special education.

Parents have better information and better incentives to make optimal decisions about their child's education than do local or state education officials. Parents know more about their children's abilities and needs than does the typical professional, who must make judgments about each child after only a brief diagnosis. Parents may lack the expertise of special educators, but they have an incentive to seek out the very best information and advice. Only parents are willing to spend weeks, months, and years researching educational alternatives for a single child. Accordingly, reforms based on parental judgment and choice should result in better educational outcomes for disabled children.

What about "Inclusion"?

One of the trends in special education has been that of "inclusion." This means providing instruction to children with disabilities in regular classrooms in the presence of their nondisabled peers whenever possible. Inclusion appears to be the prevailing practice in private schools as well. Only a small percent of McKay scholarship students are in specialized schools (see Table 1). The vast majority of them are in regular private school classrooms. Presumably, parents who place their children in private schools feel that the environment provided by the school is appropriate for their children.

A number of national studies show that children with learning disabilities who are placed in public school special education programs make only small annual academic gains.

Imposing uniform standards or admission policies on private schools would create an institutional rigidity that would undermine the positive contribution those schools make.

Is More Regulation of Private Schools Necessary?

Some critics have called for increased regulation of private schools, although evidence suggests that would be counterproductive. One of the reasons that the McKay program is so successful is precisely because there is little or no government interference, and schools are free to experiment with new and innovative methods and approaches. A recent U.S. Department of Education report, prepared at the request of Congress, indicates that private and religious schools are unlikely to participate in any school choice program that would require them to give up their curriculum, religious environment, and ability to accept students based on their unique specialization.[43] Because private schools have unique values and missions, imposing uniform standards or admission policies on those schools would create an institutional rigidity that would undermine the positive contribution that private schools make to the education enterprise. Also, private schools must do a good job if they are to survive in the marketplace.

Parents' Rights and IDEA

Under the federal statute known as the Individuals with Disabilities in Education Act, parents of children with disabilities are entitled to a "free appropriate public education."[44] That means that the public school must provide educational services for every child no matter what the cost. The question has been asked whether parents who receive a McKay scholarship can force a private school to provide particular special education services to their child. In other words, do McKay parents give up their right to a "free and appropriate public education" by choosing to withdraw their child from public school?

The U.S. Department of Education's Office of Civil Rights has decided that parents do give up those rights. In an explanatory letter dated March 30, 2001, the agency determined that despite the use of tax dollars, parents who opt to send their child to a private school under the voucher program were just like any private school parents.[45] "That means that there is no guarantee that the student will receive any special education and related services while enrolled in the private school under the voucher program," Pinellas School Board attorney John Bowen wrote in a letter notifying his colleagues of the OCR decision.[46]

Students who elect to attend a private school using a McKay scholarship are considered to be in the same category as other parentally placed private school students. The rights of parents who choose to enroll their child in a private school are different from those of parents of public school students with disabilities. Individualized Educational Plans are not required for parentally placed students and students do not have a legally enforceable right to a particular level of education services from the private school. Since choice is involved, parents who choose a private school for their disabled child presumably feel that the services provided by the school are equal to or better than what was provided for the child in public school. Also, McKay scholarship students can return to the public school at any time or can choose to attend another private school.

The McKay Program and Federal Special Education Policy

Recognizing that special education fails to meet the needs of many children with disabilities, the Florida legislature has taken a positive step toward fixing the problem. Giving school choice to children with disabilities not only provides those children with additional educational options but also has therapeutic benefits for the education system overall. Because of federal law, however, the state is still saddled with many of the most serious flaws of special education policy. Florida parents must still wend their way through the IEP meetings and due process

procedures mandated under IDEA before becoming eligible for a McKay scholarship. It would be much better if parents received the option of a McKay scholarship immediately following a positive diagnosis of a disability. The amount of the scholarship would be based on the diagnosis category or on the matrix level of services, but the student would not have to receive an IEP or have been in the public school for one full year.

Also, Florida's public schools are still burdened with IDEA's procedures and paperwork. Recent congressional investigations into special education have been dominated by complaints about bloated government regulations, mountains of paperwork, and bureaucratic imperatives that waste time and misuse scarce resources. Those resources could be better spent helping disabled children learn.[47] It is estimated that U.S. schools spend more than $4 billion nationally on IEP meetings, procedural monitoring, due process, mediation, and record keeping. Some large school districts spend as much as $28 million annually on activities related to IDEA compliance.[48] Some special education teachers spend 50 to 60 percent of their time filling out forms required by IDEA.[49] Funds that are currently being used to pay for those activities could be better spent if devoted to the education of children with disabilities.

The best solution to these problems would be for Congress to amend IDEA to allow states with parental choice options to opt out of federal IDEA requirements. Last year, the President's Commission on Special Education recommended flexibility for states to adopt school choice for students with disabilities, and congressional leaders in both the House and the Senate have indicated that they favor the idea of school choice programs for students in special education.[50] With Congress set to draft legislation reauthorizing IDEA this year, it is likely that the new federal law will include more liberal provisions for school choice.

Even without changes in federal law, Florida (and other states contemplating school choice programs for children with disabilities) could consider turning down federal funds associated with IDEA. Historically, Congress has provided less than 15 percent of funding for special education, and only states that choose to accept IDEA funds are required to comply with its procedural requirements.[51]

If Florida and other states were to compare the amount of federal funding they receive with the costs of procedural compliance, they would likely find that turning down federal funds will produce savings rather than additional costs. Free of federal mandates for IEP and due process procedures, states would be able to assign a scholarship amount to children based on their disability category as soon as it is determined that a child has a disability. Parents would still be able to consult with special education teachers, specialists, medical doctors, and other experts to determine the best educational approach for their child, but they would no longer be required to navigate the complicated maze of IDEA requirements, IEP meetings, and due process procedures before becoming eligible for a McKay scholarship. At the same time, school districts and special education teachers would be free to create more effective methods for educating children with disabilities and to devise more efficient procedures for program administration and paperwork. These changes would be healthy for students as well as for public schools.

An environment of healthy competition between private and public schools is the most effective way to release the creative potential of talented special education teachers and administrators, in both private and public schools. Yet those improvements will only be realized if the public schools can be released from the bureaucratic stranglehold of federal IDEA requirements.

The Future of Special Ed

With almost 13 percent of U.S. students in special education programs, special education and the policies surrounding it affect a large number of children all across America.[52] The federal program under which special accommodations are made to children with disabili-

An environment of healthy competition between private and public schools is the most effective way to release the creative potential of special education teachers in both private and public schools.

ties has been highly criticized by a presidential commission, by multiple experts, and by Democratic and Republican members of Congress. Almost all observers and advocates of special education admit that the program is critically flawed.[53] In view of the benefits that can be provided to children with disabilities through increased options and choice, reform advocates and policymakers are increasingly looking to school choice as a solution to these problems. A presidential commission, members of Congress, and an increasing number of advocacy groups are calling for increased parental choice in special education.[54]

Many other countries already make full use of private schools to address the needs of children with disabilities, and, in countries that allow choice between private and public schools, students with disabilities are among the primary beneficiaries.[55] There is every indication that the McKay Scholarship Program is setting a trend for what will be the future of special education in the United States. The President's Commission on Excellence in Special Education recommended that states allow more choices for students with disabilities, including the option of attending private schools.[56] In 2003, several more states, including Connecticut, Pennsylvania, South Carolina, Colorado, and Arkansas will likely consider implementing school choice scholarships for students with disabilities.[57]

The growing number of scholarship applicants and the fact that 89 percent of McKay students reenrolled in their scholarship schools indicate a high level of parental satisfaction.

Conclusion

Florida's McKay Scholarship Program provides concrete evidence of the willingness of private schools to participate with public schools in the task of educating students with disabilities. The number of private schools accepting McKay students continues to increase. In addition, new private schools have come into operation to serve students who are now able to enroll with a McKay scholarship. Participating private schools serve a diverse mix of special education students in terms of ethnic and economic background, age, and nature of disability. The growing number of scholarship applicants and the fact that 89 percent of McKay students reenrolled in their scholarship schools for the 2002–03 school year indicate a high level of parental satisfaction with the program.

Participation in the McKay Scholarship Program should continue to grow. As it does, the fiscal impact to the state will continue to be positive. Allowing more students to choose private schools reduces the cost of public education for taxpayers. Offering students a McKay scholarship to attend a private school helps reduce class size in the public schools. The McKay program and other school choice programs allow the state to transfer some of its enrollment burden to private schools, relieving pressure on public school classrooms and budgets.

In spite of the positive benefits of the McKay program, the program is not as effective as it could be. Because of federal requirements, children with disabilities must still spend a year in their assigned public school before becoming eligible for a scholarship. Also, parents must navigate complex procedural requirements under the IDEA before a scholarship amount can be determined and the scholarship awarded.

One approach to alleviating those problems would be for Congress to allow states to use parental choice to replace negotiation as the method to determine a child's educational plan. Free of IEP and other federal requirements, parents could receive a scholarship for their child once a diagnosis of disability has been determined. Not only would this facilitate the awarding of scholarships to children with disabilities, it would also relieve public schools from IDEA's procedures and paperwork, much of which is wasteful and unnecessary. Special education teachers would be free of the burden of state and federal paperwork and could instead focus their talents on helping children with disabilities.

Florida's McKay Scholarship Program for Students with Disabilities shows that school choice provides tangible benefits to students with disabilities. Florida policymakers should

support the program's expansion. Members of Congress should deregulate IDEA to allow more school choice for children in special education programs, and legislatures around the United States should consider ways to extend school choice to students in their states, including students with disabilities.

Notes

1. See, for example, Sandra Feldman, "Where We Stand: Vouchers and Accountability," American Federation of Teachers, Washington, July 2002, www.aft.org/stand/previous/2002/0702.html.

2. See, for example, Kweisi Mfume, president and CEO of the NAACP, www.rethinkingschools.org/special_reports/voucher_report/vquotes.shtml; and Howard Fuller and Kaleem Caire, "Lies and Distortions: The Campaign against School Vouchers," Institute for the Transformation of Learning, Marquette University, Milwaukee, April 2001, www.schoolchoiceinfo.org/hot_topics/pdf/10.pdf.

3. Public school districts have historically placed children with disabilities in private facilities. During the 1998–99 school year, school districts placed approximately 100,600 students in private schools. See U.S. Department of Education, "Twenty-Third Annual Report to Congress on the Implementation of the Individuals with Disabilities in Education Act," Washington, 2001, p. A-80; and Janet R. Beales and Thomas F. Bertonneau, "Do Private Schools Serve Difficult-to-Educate Children?" Mackinac Center for Public Policy, Midland, Michigan, 1997.

4. *The Directory for Exceptional Children*, 14th ed. (Boston: Porter Sargent, 2001–02), www.portersargent.com.

5. See Marie Gryphon and David Salisbury, "Escaping IDEA: Freeing Parents, Teachers, and Students through Deregulation and Choice," Cato Institute Policy Analysis no. 444, Washington, July 10, 2002, p. 12 and Appendix.

6. 2001 Florida Statutes, Title XVI, chapter 229.00577, www.miedresearchoffice.org/mckaystatute.htm.

7. See "The ABC's of Obtaining a McKay Scholarship," http://floridachild.org/mckayform.html.

8. A formula is used to determine the scholarship amount. See Florida Department of Education, "Use of the Exceptional Student Education Matrix of Services,"Appendix B: ESE Guaranteed Allocation Funding for Scholarships, Charter Schools, and DJJ Facilities, Division of Planning, Budgeting, and Management Memorandum #0204, Tallahassee, Florida, January 2002, www.firn.edu/doe/commhome/pub-home.htm.

9. Data provided by Kendra Lee, Florida Department of Education, Choice Office, Tallahassee, December 4, 2002.

10. The demographics of the overall population of special education students are as follows: 53 percent white, 29 percent black, 16 percent Hispanic, 2 percent "other." See Florida Department of Education, "2002 SEA Profile," Bureau of Instructional Support and Community Service, Division of Public Schools and Community Education, Tallahassee, p. 6.

11. See Florida Department of Education, "Use of the Exceptional Student Education Matrix of Services," Appendix B: ESE Guaranteed Allocation Funding for Scholarships, Charter Schools, and DJJ Facilities, Division of Planning, Budgeting, and Management Memorandum #0204, Tallahassee, January 2002), p. 4, www.firn.edu/doe/commhome/pub-home.htm.

12. Data provided by Kendra Lee, Florida Department of Education, Choice Office, Tallahassee, Florida, December 4, 2002.

13. According to the Choice Office at the Florida Department of Education, 1,858 (out of 8,080) families receiving McKay scholarships currently pay tuition amounts less than the amount of state funding. About 850 families paid nothing above the scholarship amount in 2001–02. See Manhattan Institute for Policy Research, "Florida Facts, McKay Scholarship Program for Students with Disabilities," www.miedresearchoffice.org/mckayscholarship.htm#_Paying_above_scholarship. Increasing the scholarship amount would put more private schools in the reach of families.

14. Florida Department of Education, "McKay Scholarship Program Data as of November 19, 2002," Florida Department of Education, Tallahassee, 2002, p. 1. See also Florida Department of Education, "2002 SEA Profile," Division of Public Schools and Community Education, Bureau of Instructional Support and Community Services, Tallahassee, p. 6.

15. The Florida Council of Independent Schools accredits approximately 156 private schools in that state. Other accrediting bodies include the Association of Independent Schools of Florida, Florida Association of Independent Special Education Facilities, National Independent Private Schools Association, Southern Association of

Christian Schools, National Association for the Education of Young Children, American Montessori Society, and Florida Kindergarten Council.

16. Manhattan Institute for Policy Research, "Florida Facts, McKay Scholarship Program for Students with Disabilities," www.miedresearchoffice.org/mckayscholarship.htm#_Paying_above_scholarship. According to Kendra Lee of the Florida Choice Office, 464 of the 547 approved private schools had enrolled McKay students as of January 7, 2003, personal communication, January 7, 2003.

17. Resources available for children with disabilities in Catholic schools are described in a booklet entitled "Special Needs Resource Directory: Embracing Students with Special Needs in Our Catholic Schools and Parish Religious Education Programs," U.S. Conference of Catholic Bishops, Department of Education, Division of Catholic Schools and Public Policy, September 2001.

18. Representative of Florida private schools that specialize in serving children with disabilities are the Woodland Hall Academy operated by the Dyslexia Research Institute in Tallahassee, the Pepin Academy Charter School in Tampa, and the Jericho School for Children with Autism in Jacksonville. The Depaul School for Dylexia in Clearwater enrolls 22 McKay students and provides full-time academic remediation for students in elementary and middle grades. Other specialized schools are listed in the Non-Public School Directory available from the Florida Department of Education, http://info.doe.state.fl.us/non_public_schools.

19. Manhattan Institute for Policy Research, "Florida Facts, McKay Scholarship Program for Students with Disabilities," www.miedresearchoffice.org/mckayscholarship.htm#_Schools_taking_scholarships.

20. Brenda Parks, nonpublic schools specialist, Choice Office, Florida Department of Education, Tallahassee.

21. Some observers claim that the poor quality of Florida public schools overall has increased the demand for private schools. See Stephen Hegarty, "Florida Voucher Program Surges," *St. Petersburg Times*, September 6, 2001; and Lisa Fine, "Florida's 'Other' Voucher Program Taking Off," *Education Week*, August 8, 2001. According to Patricia Hardman, director of the Dyslexia Research Institute in Tallahassee, Florida, private school administrators point to dissatisfaction with the local public schools as a major motivation for parents to enroll a child in a private school. Personal communication, January 19, 2003.

22. See Stephen Hegarty, "Voucher Complaints Chase Pair," *St. Petersburg Times*, April 7, 2002; Anita Kumar and Stephen Hegarty, "Questions Swirl Around Private School," *St. Petersburg Times*, November 2, 2002; and "Tossing McKay Dollars," editorial, *St. Petersburg Times*, November 13, 2002.

23. "Enemies from Within," editorial, *Palm Beach Post*, December 7, 2002.

24. See "Financial Scandals Exposed in Michigan School Districts," *Michigan Education Report*, Fall 2002, p. 1. Also see Carl Campanile, "Klein's Principal Purge," *New York Post*, December 12, 2002.

25. See Chastity Pratt, "Detroit School Items Pile Up," *Detroit Free Press*, July 31, 2002.

26. Justin Blum, "District Schools Misspent $5 Million," *Washington Post*, December 20, 2002, p. A31.

27. For example, see the case of Meghan Neidhart in Lisa Fina, "Florida's 'Other' Voucher Program Taking Off," *Education Week*, August 8, 2001. The case of Angela Daugherty is mentioned in Alan Richard, "Florida Sees Surge in Use of Vouchers," *Education Week*, September 4, 2002. Also see Laurie Turner, "Disabled Voucher Program," editorial, *St. Petersburg Times*, March 30, 2002, and the case studies featured on the Florida Department of Education's website, www.firn.edu/doe/choice/pce.html.

28. See Manhattan Institute for Policy Research, "Florida Facts, McKay Scholarship Program for Students with Disabilities," www.miedresearchoffice.org/mckayscholarship.htm#_Paying_above_scholarship.

29. According to the Florida Department of Education, state funds constituted 50.97 percent of total education revenues in 1999–2000. Local funding constituted 40.78 percent of total revenues and federal funding constituted 8.28 percent of total revenues. See Florida Department of Education, "Profiles of Florida School Districts: 1999–00 Financial Data Statistical Report," Tallahassee, November 2001. For a description of funding sources used for McKay scholarships, see 2001 Florida Statutes, Title XVI, chapter 229.00577, www.miedresearchoffice.org/ mckaystatute.htm.

30. Shan Goff, testimony before the President's Commission on Excellence in Special Education, Coral Gables, Florida, April 9, 2002, www.ed.gov/inits/commissionsboards/whspecialeducation/meeting_april-09-2002/transcript_4-9-02_fl.doc.

31. See Florida Department of Education, "Profiles of Florida School Districts: 1999-00 Financial Data Statistical Report," Tallahassee,, November 2001, p. 15.

32. Patricia Levesque, Florida Department of Education, and Mark Armstrong, Senate Appropriations Committee, correspondence with author on McKay Scholarship Program fiscal impact, January 21, 2003. The exact amount of per student revenues varies by district.

33. John Kirtley, "Lots of Rewards in School Choice," *Tampa Tribune*, October 22, 2002. Also see Mary Ellen Klas and S.V. Date, "Education Trumped Party Bias, Experts Say," *Palm Beach Post*, November 7, 2002.

34. Mary Ellen Klas and Jim Ash, "Class-size Jam Splits Fla. GOP Leadership," *Palm Beach Post*, November 19, 2002. Governor Jeb Bush has also proposed increased use of vouchers as a way to address the class size reduction mandate. See Mike Salinero, "Class-Size Plan Has Vouchers, Charters," *Tampa Tribune*, January 24, 2003.

35. Florida Choice Office director J.C. Bowman, telephone conversation with author, January 22, 2003.

36. FloridaChild provides another useful information resource at www.floridachild.org. FloridaChild is a private organization that provides information to parents on public and private schools, charter schools, homeschooling, scholarships, and special education.

37. The National Education Association's position on vouchers can be found at www.nea.org/issues/vouchers/index.html. Position statements by the American Federation of Teachers can be found at www.aft.org/issues/index.html. The National PTA has a position statement opposing vouchers, www.pta.org/programs/posvouchers.htm. The position statement of the ACLU on vouchers and school choice can be found at www.aclu.org/ReligiousLiberty/ReligiousLiberty.cfm?ID=10778&c=140.

38. For information on the lawsuit involving Florida Opportunity Scholarships, see "FEA v. State Board of Education (Florida)," www.ij.org/cases/index.html.

39. Hanushek estimates that the average educational improvement for children with learning disabilities is 0.04 standard deviations in reading and 0.14 in math. See E. A. Hanushek et al., "Does Special Education Raise Academic Achievement for Students with Disabilities?" National Bureau of Economic Research, working paper no. 6690, Washington, 1998. A later study by E. A. Hanushek, John Kain, and Steve Rivkin showed gains of 0.1 standard deviations in math for one year of special education. See E. A. Hanushek, John Kain, and Steve Rivkin, 'Inferring Program Effects for Specialized Populations: Does Special Education Raise Achievement for Students with Disabilities?" University of Rochester, Rochester, New York, August 2001.

40. See J. K. Klinger et al., "Outcomes for Students with and without Learning Disabilities in Inclusive Classrooms," *Learning Disabilities Research & Practice* 13 (1997): 153-61. See also N. Zigmond and J. M. Baker, "Concluding Comments: Current and Future Practices in Inclusive Schooling," *Journal of Special Education* 29 (1995): 245-50.

41. One such program, known as "embedded phonics," has a demonstrated record of improving reading skills in children who had made little or no progress in the preceding 16 months of special education. After an eight-week intervention using this approach, 40 percent of children are able to return to regular classes (compared to the normal rate of 5 percent for leaving special education.) See G. Reid Lyon et al., "Rethinking Learning Disabilities," in *Rethinking Special Education for a New Century*, ed. C.E. Finn et al. (Washington: Thomas B. Fordham Foundation and Progressive Policy Institute, 2001), pp. 259-87. See also S. W. Moody et al, "Reading Instruction in the Resource Room: Set Up for Failure," *Exceptional Children* 16 (2000): 305-16; S. R. Vaughn et al, "Broken Promises: Reading Instruction in the Resource Room," Exceptional Children 64 (1998): 211-15; and R. L. Allington and A. McGill-Franzen, "School Response to Reading Failure: Instruction for Chapter One and Special Education Students Grades Two, Four, and Eight," *Elementary School Journal* 89 (1998) 529-42.

42. For example, see Kalman Hettleman, "Still Getting It Wrong: The Continuing Failure of Special Education in the Baltimore City Public Schools," Abell Foundation, Baltimore, 2000; and Andrew P. Dunn, "What's Wrong with Special Education?" *Education Week*, May 17, 2000, pp. 36, 39. See also Mark Kelman and Gillian Lester, *Jumping the Queue: An Inquiry into the Legal Treatment of Students with Learning Disabilities* (Cambridge, Massachusetts: Harvard University Press, 1997). See also Robert Worth, "The Scandal of Special Ed," *Washington Monthly*, June 1999.

43. Lina Muraskin, "Barriers, Benefits, and Costs of Using Private Schools to Alleviate Overcrowding in Public Schools," U.S. Department of Education, Planning and Evaluation Services, Washington, 1998.

44. Individuals with Disabilities in Education Act,

U.S.C. 20, sec 1414(a).

45. Susan Bowers, U.S. Department of Education, Letter on Florida's McKay Scholarship Program, March 30, 2001, www.edlaw.net/service/fla_voucher.html.

46. John Bowen, memo to school board members on opportunity scholarships for students with disabilities, April 24, 2001, available from Pinellas County Schools, School Board Attorney's Office, 301 4th Street, S.W. Largo, Florida.

47. See "A New Era: Revitalizing Special Education for Children and Their Families," Report of the President's Commission on Excellence in Special Education, U.S. Department of Education, Washington, July 1, 2002, www.ed.gov/inits/commissionsboards/whspecialeducation/reports.html. See also Rick Keller, Testimony before the Education Reform Subcommittee of the House Committee on Education and the Workforce, Hearing on Special Education Paperwork Burden and Accountability System, 107th Cong., 2d sess., May 2, 2002.

48. American Institutes for Research, "What Are We Spending on Special Education Services in the United States, 1999-2000?" Advance report 1, Special Education Expenditure Project, Washington: American Institutes for Research, March 2002. See also Kalman Hettleman, "Still Getting It Wrong: The Continuing Failure of Special Education in the Baltimore City Public Schools," Abell Foundation, Baltimore, 2002, p. 20; and Andrew Mollison, "Congress Rethinks Special Education; Hearings Begin on Improving Law," *Atlanta Journal and Constitution*, March 2002.

49. Robert Worth, "The Scandal of Special Ed," *Washington Monthly*, June 1999.

50. Lisa Fine, "Election Results Boost Special Ed. Vouchers," *Education Week*, December 4, 2002.

51. Thomas A. Mayes and Perry A. Zirkel, "State Educational Agencies and Special Education: Obligations and Liabilities," *Boston University Public Interest Law Journal* 10 (2000): 63.

52. Approximately 6.5 million K-12 students are enrolled in special education programs. See American Institutes for Research, "What Are We Spending on Special Education Services in the United States, 1999-2000?" p. 7. See also Don Soifer, "Almost 1 in 8 Students Labeled 'Disabled.'" *School Reform News*, April 2002.

53. A review of IDEA's problems is provided in Gryphon and Salisbury.

54. See "A New Era: Revitalizing Special Education for Children and Their Families," p. 38. See also Lisa Fine, "Election Results Boost Special Ed. Vouchers," *Education Week*, December 4, 2002; and Lewis M. Andrews, "The Need for—and Feasibility of—a Voucher Program for Learning Disabled Children in Connecticut," www.yankeeinstitute.org/papers/voucher.php.

55. See Lewis M. Andrews, "More Choices for Disabled Kids: Lessons from Abroad," *Policy Review*, April/May, 2002. See also Robert Holland, "Vouchers Helping the Learning Disabled," *Washington Times*, June 5, 2002.

56. See "A New Era: Revitalizing Special Education for Children and Their Families," p. 38.

57. For information on potential legislative developments in Connecticut, see www.yankeeinstitute.org/papers/voucher.php. For information about Pennsylvania, contact the Commonwealth Foundation, www.commonwealthfoundation.org/South Carolina Governor-elect Mark Sanford made school choice a prominent part of his election campaign including proposals for scholarships for students with special needs, see www.sanfordforgovernor.com/issues.asp?action=detail&id=1665&name=Issues. Information about Colorado was obtained through a personal conversation with Colorado Senate President John Andrews on December 2, 2002. For information on Arkansas, see "Bill Would Offer School Vouchers to Disabled Children," Associated Press, January 2, 2003. According to Robert Metty at the Florida Department of Education, Washington, Utah, and Minnesota have also expressed interest in McKay type legislation. Personal communication with author, January 13, 2003.

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